

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/617,978 Confirmation No.: 4095
Applicant(s): Herrmann et al.
Filed: July 11, 2003
Art Unit: 1638
Examiner: Anne R. Kubelik
Title: ISOLATED NUCLEIC ACID MOLECULES ENCODING ORALLY ACTIVE ANDROCTONUS AMOREUXI PESTICIDAL BIOPEPTIDES

Docket No.: 035718/260673
Customer No.: 29122

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 41.31)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated September 18, 2007, rejecting the following Claims: 1-7, 13-19, 21-26, 28-31, 38, 40, 42, and 43.

The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

Applicant claims small entity Status.
 A check is enclosed.
(\$510.00 for large entity fee or \$255.00 if small entity status)
 Please charge \$510.00 to Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
 Any additional fee or refund may be charged to our Deposit Account No. 16-0605.
 A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Respectfully submitted,



David E. Cash
Registration No. 52,706

<p>Customer No. 29122 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER 17, 2007.</p>
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